APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,019	08/26/2003	Robert Gazda	I-2-0353.1US	3473

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VOLPE AND KOENIG, P.C.
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EXAMINER
SEYE, ABDOU K

ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
07/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/648,019	GAZDA ET AL.
	Examiner	**Art Unit**	
	Abdou Karim Seye	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 August 2003*.

2a)☐ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-47* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Election/Restrictions

1.   Restriction to one of the following inventions is required under 35 U.S.C.

121:

I.   Claims 1-14, 31-33 and 34-35 drawn to a system and method comprising a set of operating systems interfaces and calls from one or more application program for exporting software model ; application program interface, classified in class 719 and subclass 328.

II.   Claims 45-47, drawn to method and system for software processes to communicate accross processor boundaries; interprogram communication using, classified in class 719 and subclass 313.

III.   Claims 36-44, drawn to system and method for controlling software timing; prividing timing management of software, classified in class 719 and subclass 310.

IV.   Claims 15-23, drawn to system and method for porting software developed, program to be developed; modeling, classified in class 717 and subclass 104.

V.   Claims 24-30, drawn to system and method for synchronizing threads; process scheduling, classified in class 718 and subclass 102.

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, Group I requires exporting software model to different operating system, while the invention of Group II requires a method and system for software processes to communicate accross processor boundaries. Therefore, the inventions of Groups II and II are patentably distinct.

Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, Group I requires exporting software model to different operating system, while the invention of Group III requires a method and system for controlling software timing with a time manager. Therefore, the inventions of Groups I and III are patentably distinct.

Inventions I and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, Group I requires exporting software model to different operating system, while the invention of Group IV requires a method and system for porting software developed. Therefore, the inventions of Groups I and IV are patentably distinct.

Inventions I and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, Group I requires exporting software model to different operating system, while the invention of Group V requires a method and system for synchronizing threads. Therefore, the inventions of Groups I and V are patentably distinct.

Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, Group II requires a method and system for software processes to communicate accross processor boundaries, while the invention of Group III requires a method and system for controlling software timing with a time manager. Therefore, the inventions of Groups II and II are patentably distinct.

Inventions II and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, Group II requires a method and system for software processes to communicate accross processor boundaries, while the invention of Group IV requires a method and system for porting software developed. Therefore, the inventions of Groups II and II are patentably distinct.

Inventions II and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, Group II requires a method and system for software processes to communicate accross processor boundaries, while the invention of Group V requires a method and system for synchronizing threads. Therefore, the inventions of Groups II and II are patentably distinct.

Inventions III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, Group III requires a method and system for controlling software timing with a time manager, while the invention of Group IV requires a method and system for porting software developed. Therefore, the inventions of Groups II and II are patentably distinct.

Inventions III and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, Group III requires a method and system for controlling software timing with a time manager, while the invention of Group V requires a method and system for

synchronizing threads. Therefore, the inventions of Groups II and II are patentably

distinct.

Inventions IV and V are unrelated. Inventions are unrelated if it can be shown

that they are not disclosed as capable of use together and they have different designs,

modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case,

Group IV requires a method and system for porting software developed, while the

invention of Group V requires a method and system for synchronizing threads. .

Therefore, the inventions of Groups II and II are patentably distinct.

Because these inventions are independent or distinct for the reasons given

above and have acquired a separate status in the art because of their recognized

divergent subject matter and are separately classified, restriction for examination

purposes as indicated is proper.

2. Applicant is advised that the reply to this requirement to be complete must

include an election of the invention to be examined even though the requirement

be traversed (37 CFR 1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected

invention, the inventorship must be amended in compliance with 37 CFR 1.48(b)

if one or more of the currently named inventors is no longer an inventor of at

least one claim remaining in the application. Any amendment of inventorship

must be accompanied by a request under 37 CFR 1.48(b) and by the fee

required under 37 CFR 1.17(i).

Conclusion

4.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Exr. Abdou K Seye whose telephone number

is (571) 270-1062. The examiner can normally be reached Monday through

Thursday from 6:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, William Thomson, can be reached at (571) 272-3718.

The fax phone number for Formal or Official faxes to Technology Center 3600 is

(703) 872-9306. Draft or Informal faxes, which will not be entered in the

application, may be submitted directly to the examiner at (571) 273-6722.

AKS
June 21, 2007

WILLIAM THOMSON
ERVISORY PATENT EXAMINER